

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	CASE NO. CR02-146-JCC
	)	
Plaintiff,	)	
	)	
v.	)	SUMMARY REPORT OF U.S.
	)	MAGISTRATE JUDGE AS TO
TODD LEE EARNEST,	)	ALLEGED VIOLATIONS
	)	OF SUPERVISED RELEASE
Defendant.	)	
_____	)	

An evidentiary hearing on supervised release revocation in this case was scheduled before me on August 29, 2007. The United States was represented by AUSA Nick Brown and the defendant by Carol Koller appearing for Paula Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about October 4, 2002, by the Honorable John C. Coughenour on a charge of Uttering Forged Securities, and sentenced to 30 months custody, 3 years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing any firearms, submit to search, participate in drug treatment, abstain from alcohol, participate in mental health treatment, provide access to financial

01 information, maintain a single checking account for all financial transactions, disclose all assets and  
02 liabilities, not incur any new credit obligations without permission, provide information about any  
03 business interests, allow inspection of his personal computer, not possess any identification  
04 documents in any but defendant's true identity, cooperate with the IRS to determine tax liability  
05 and pay tax assessments, and report all vehicles owned and operated by defendant. (Dkt.52, pgs  
06 3-4, amended Dkt. 57.)

07 On August 30, 2005, defendant admitted to violating the conditions of supervision by using  
08 methamphetamine, failing to report for drug testing, failing to participate in substance abuse  
09 counseling, and failing to make restitution payments. (Dkt. 65.) Defendant was remanded to  
10 custody for six months. Supervised release of 24 months was re-imposed with the original  
11 conditions, plus the requirement that defendant participate in a community corrections center  
12 program for up to three months followed by home confinement with electronic monitoring. A  
13 payment plan was ordered for restitution payments and the criminal monetary penalty. (Dkt. 69.)

14 In an application dated May 1, 2007 (Dkt. 71 ), U.S. Probation Officer Monique D. Neal  
15 alleged the following violations of the conditions of supervised release:

16 1. Committing the crime of Possession of Cocaine, on or about February 11, 2007,  
17 in violation of the general condition that the defendant not commit another federal, state or local  
18 crime.

19 2. Failing to notify the probation officer within 72 hours of being arrested or  
20 questioned by a law enforcement officer, in violation of standard condition #11.

21 3. Using methamphetamine, on or about March 8, 2007, in violation of standard  
22 condition #7.

4. Failing to report for drug testing as directed by the U.S. Probation Office on April 13, April 20, April 23, and April 26, 2007, in violation of the special condition that the defendant participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency, which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted alleged violations 2, 3, and 4, and waived any evidentiary hearing as to whether they occurred. The government moved to dismiss alleged violation 1.

I therefore recommend the Court find defendant violated his supervised release as alleged in violations 2, 3, and 4, and that the Court conduct a hearing limited to the issue of disposition. I recommend that the Court dismiss violation 1. The next hearing will be set before Judge Coughenour.

A hearing has been scheduled for August 31 to determine whether defendant will be detained or released on conditions pending a final determination by the Court.

DATED this 29th day of August, 2007.

  
Mary Alice Theiler  
United States Magistrate Judge

cc:	District Judge:	Honorable John C. Coughenour
	AUSA:	Nick Brown
	Defendant's attorney:	Carol Koller, Paula Deutsch
	Probation officer:	Monique D. Neal